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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,065	10/19/2000	John F. Acres	4164-158	8782

7590 12/19/2001

Alan T. McCollom  
MARGER JOHNSON & McCOLLOM, P.C  
1030 S.W. Morrison Street  
Portland, OR 97205

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/694,065

Applicant(s)

ACRES, JOHN F.

Examiner

Corbett B. Coburn

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed on 4/19/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Specification*

2. The use of the trademark Intel Pentium Processor® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### *Claim Objections*

3. Claim 18 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 18 is dependent from claim 7, which is, in turn dependent from claim 1. Claim 1 contains the limitations: "permitting game device play; and cashing out from the gaming device responsive to a second command initiated by said player at said one

gaming device.” This is identical to the limitation of claim 18. Therefore, claim 18 fails to further limit the previous claim.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 15, 30 & 49 recite the limitation "the classification" in line 2. There is insufficient antecedent basis for this limitation in the claims. Claims 15, 30, & 49 and all claims dependent from them are rejected.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8, 12, 18 - 21 & 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jorasch et al. (US Patent No, 5,967,896).

**Claim 1:** Jorasch discloses gaming devices (104, 106, 108) interconnected by a network to a host computer (102). A player account (Col 1, 18) accessible by the host computer is created. Access to the account is provided responsive to a first command issued by the player. (Col 1, 19) Credits are transferred from the account to the gaming device. (Col 1, 18) Gaming device play is permitted. (Col 1, 19-21) When a player issues a second command at the gaming device, the balance is calculated and the player is cashed out. (Figs 12 & 13)

**Claims 2 & 20:** Jorasch describes creating a player account accessible by the host computer by: Issuing a tracking card. (Col 1, 18) Storing player record on host computer. (Col 3, 58-64) Receiving an initial cash deposit from the player and crediting it to the account. (Col 3, 24-28)

**Claims 3 & 21:** The gaming devices (104, 106, 108) are in a casino and creating a player account accessible by the host computer is performed at a terminal (104, 106, 108) connected to the network (Fig 2) by an agent of the casino.

**Claim 4:** Col 1, 19 discloses inserting a card into a card reader associated with a gaming device.

**Claims 5, 6, 23:** Col 10, 6-8 discloses actuation of a cash-out actuator associated with the gaming machine.

**Claims 7 & 18:** Local memory (304) is associated with the gaming device. It receives player account information (308) that is transmitted over a network (Fig 2) from the central computer.

**Claim 8:** Fig 3 discloses transferring data from the local memory to the credit meter (340). (Col 4, 33-40)

**Claim 12:** Transfer of credit from the account to the gaming meter occurs responsive to a first command issued by the player. (Col 1, 19)

**Claim 19:** Transferring all of the credit from the gaming device to the account responsive to a transfer command initiated by the player at said one gaming device is described at Col 10, 6-13. Gaming device play is permitted. (Col 1, 19-21)

8. Claims 33, 36, 40, 43-49 are rejected under 35 U.S.C. 102(b) as being anticipated by LeStrange et al. (US Patent No. 5,470,079).

**Claim 33:** LeStrange discloses a method of operating gaming devices (10) interconnected by a network (18) to a host computer (20). There is a player account accessible by the host computer (Col 1, 55). Figures 4a and 4b show that access to the account is provided responsive to a player initiated command. Col 6, 57 through Col 7, 25 discloses maintaining data integrity and an audit trail by recording the state of the game meters at every stage of the process. This means that upon activation of the game, a first game meter reading would be taken and stored. The credits would be transferred to the gaming machine and the amount would be added to the game meters. This event would cause a second meter reading to be taken and stored. (Col 7, 2-4)

**Claim 36:** Col 7, 2-4 states, "Whenever the system updates meter values, the event which causes the change is also recorded." This would include any transfer of credits to the gaming device. (See Also Col 3, 55 through Col 4, 4)

**Claim 40:** Col 10, 38 discloses that the command comprises insertion of the player tracking card associated with the gaming device.

**Claim 43:** Fig 6, 404 discloses computing the change in meter data.

**Claim 44:** In any accounting system, the calculated difference between the initial meter reading and the post-transfer reading is equal to the amount transferred, this amount would be deducted from the player's account balance. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This fact would be recorded by any accounting system. This is a standard

accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the calculated difference from the account balance in order to comply with standard accounting practices.

**Claim 45:** Col 5, 22-25 discloses archiving accounting data and customer data in a database. Data reflecting changes in the credit meters is stored in another database. (Col 7, 2-4)

**Claim 46:** Col 10, 38 discloses that the transfer of credit between the account and the gaming device is responsive to a player-initiated command i.e., insertion of the player tracking card associated with the gaming device.

**Claim 47:** LeStrange discloses transferring a predetermined amount in order to comply with state laws that specify a maximum amount that can be used in gambling. (Col 8, 9-13)

**Claim 48:** The amount transferred would inherently be a function of the player's account balance. A player could not transfer more than the balance of the account to the gaming machine.

**Claim 49:** LeStrange also discloses classifying players and providing incentives to gamble at a particular. These include providing pre-paid debit cards. This predetermined amount is transferred to the gaming machine. (Col 8, 8-10)

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al as discussed in connection with claim 1 above.

**Claim 9:** Jorasch teaches the invention substantially as claimed. Jorasch does not, however, teach the details of accounting for the balance transferred. Specifically, Jorasch does not teach finding the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and comparing the calculated difference with the amount transferred. This is merely checking the accuracy of the final credit meter reading – an obvious precaution to forestall cheating or to indicate problems with the gaming system. For example, if the initial credit meter reading is \$0, and \$10 is transferred, a final credit meter reading of anything other than \$10 would indicate a problem. It would have been obvious to one of ordinary skill in the art at the time of the invention to have found the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and compare the calculated difference with the amount transferred in order forestall cheating and to detect any problems with the gaming system.

**Claim 10:** In any accounting system, the calculated difference between the initial meter reading and the post-transfer reading is equal to the amount transferred, this amount would be deducted from the player's account balance. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This fact would be recorded by any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the calculated difference from the account balance in order comply with standard accounting practices.



11. Claims 11, 13-15, 17, 22, 24-30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. as discussed in connection with claims 10 & 12 above (as appropriate) in view of LeStrange et al (US Patent No. 5,470,079).

**Claims 11, 28:** Jorasch discloses the invention substantially as described.

Jorasch does not, however, teach maintaining records of transfers and calculated differences in a separate location from the player account, i.e., maintaining a separate audit trail. LeStrange, an invention relating to accounting for casino accounts, stresses the importance of maintaining separate audit trails in order to comply with regulatory requirements. (Col 2, 39-61) It would have been obvious to one of ordinary skill in the art at the time of the invention to have maintained the records of transfers and calculated differences in a location separate from the player account in order to maintain a separate audit trail in compliance with the requirements of regulatory agencies.

**Claim 13:** Jorasch discloses the invention substantially as described. Jorasch does not, however, disclose transferring a predetermined amount. LeStrange discloses transferring a predetermined amount in order to comply with state laws that specify a maximum amount that can be used in gambling. (Col 8, 9-13) It would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred a specific amount in order to comply with state laws specify a maximum amount that can be used in gambling.

**Claims 14 & 29:** Jorasch discloses a transfer that is a function of the balance of the player account. (Col 5, 41-44)

**Claims 15 & 30:** Jorasch discloses classifying players based on their balance. (Col 6, 9-12) Jorasch also discloses providing incentives to maintain casino account balances –which promotes casino loyalty. (Col 8, 45-54) Jorasch also discloses “player-reward points” given by the casino to certain classifications of players to entice the gamblers to use a particular casino. (Col 3, 59) LeStrange also discloses classifying players and providing incentives to gamble at a particular. These include providing pre-paid debit cards. This predetermined amount is transferred to the gaming machine. (Col 8, 8-10) It would have been obvious to one of ordinary skill in the art at the time of the invention to have based the amount transferred (from, for instance, a promotional debit card) on the classification of the player in order to provide incentives to gamble at a particular casino.

**Claim 17:** Jorasch discloses gaming devices (104, 106, 108) interconnected by a network to a host computer (102). A player account (Col 1, 18) accessible by the host computer is created. Access to the account is provided responsive to a first command issued by the player. (Col 1, 19) Credits are transferred from the account to the gaming device. (Col 1, 18)

Jorasch does not, however, disclose transferring a predetermined amount. LeStrange discloses transferring a predetermined amount in order to comply with state laws that specify a maximum amount that can be used in gambling. (Col 8, 9-13) It would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred a specific amount in order to comply with state laws specify a maximum amount that can be used in gambling.

**Claim 22:** Jorasch discloses inserting a card into a card reader associated with a gaming device as a first command. (Col 1, 19)

**Claim 24:** Jorasch discloses local memory (304) associated with the gaming device. This local memory receives player account information (308) that is transmitted over a network (Fig 2) from the central computer

**Claim 25:** Jorasch, Fig 3, discloses transferring data from the local memory to the credit meter (340). (Col 4, 33-40)

**Claim 26:** Jorasch & LeStrange teach the invention substantially as claimed. They do not, however, teach the details of accounting for the balance transferred. Specifically, they do not teach finding the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and comparing the calculated difference with the amount transferred. This is merely checking the accuracy of the final credit meter reading – an obvious precaution to forestall cheating or to indicate problems with the gaming system. For example, if the initial credit meter reading is \$0, and \$10 is transferred, a final credit meter reading of anything other than \$10 would indicate a problem. It would have been obvious to one of ordinary skill in the art at the time of the invention to have found the difference between the initial credit meter reading and the credit meter reading after the transfer has occurred and compare the calculated difference with the amount transferred in order to forestall cheating and to detect any problems with the gaming system.

**Claim 27:** If the calculated difference between the initial meter reading and the post-transfer reading is equal to the amount transferred, this amount would be

deducted from the player's account balance. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art to have deducted the calculated difference from the account balance in order comply with standard accounting practices.

**Claim 32:** Jorasch discloses a keypad (342) for entering the amount transferred.

A keypad contains a plurality of actuators. Since gaming devices have a minimum bet, it would have been obvious to one of ordinary skill in the art to associate each actuator on the keypad to correspond to a multiple of the minimum bet in order to avoid player confusion.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. as applied to claim 1 in view of Walker et al. (US Patent No 6227972).

Jorasch teaches the invention substantially as claimed. Jorasch does not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have been obvious to one of ordinary skill in the art to have measured the time between player account transactions and locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch et al. and LeStrange et al. as applied to claim 17 in view of Walker et al. (US Patent No 6227972).

Jorasch & LeStrange teach the invention substantially as claimed. They do not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have been obvious to one of ordinary skill in the art at the time of the invention to have measured the time between player account transactions and locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

14. Claims 34, 35 & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange as discussed in connection with claims 33 & 36 above.

**Claim 34:** While LeStrange does not specifically discuss this point, the amount transferred to the gaming machine would be deducted from the player's account balance and the new balance would be stored on the system. If a player has a total account balance of \$100 and transfers \$10, this leaves an account balance of \$90. This fact would be recorded in any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the amount transferred to the gaming

device from the player's account balance in order comply with standard accounting practices.

**Claim 35:** LeStrange teaches a separate database for stored meter readings. (Col 4, line 1)

**Claim 37:** While LeStrange does not specifically discuss this point, the amount transferred to the gaming machine would be deducted from the player's account balance and the new balance would be stored on the system. This would be done for every transfer. This information would be recorded for every transfer in any accounting system. This is a standard accounting practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have deducted the amount transferred to the gaming device from the player's account balance for every transfer in order comply with standard accounting practices.

15. Claims 38, 39, 41 & 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange as applied to Claim 33 in view of Jorasch.

**Claim 38:** LeStrange describes the invention substantially as claimed. LeStrange does not, however, teach the details of creating a player account. Jorasch, an analogous invention, describes creating a player account accessible by the host computer by: Issuing a tracking card. (Col 1, 18) Storing player record on host computer. (Col 3, 58-64) Receiving an initial cash deposit from the player and crediting it to the account. (Col 3, 24-28)

**Claim 39:** Jorasch teaches that the gaming devices (104, 106, 108) are in a casino and creating a player account accessible by the host computer is performed

at a terminal (104, 106, 108) connected to the network (Fig 2) by an agent of the casino.

**Claim 41:** Jorasch teaches that local memory (304) is associated with the gaming device. The local memory receives player account information (308) that is transmitted over a network (Fig 2) from the central computer.

**Claim 42:** Jorasch's Fig 3 discloses transferring data from the account in local memory to the gaming device credit meter (340). (Col 4, 33-40)

**Overall Justification:** LeStrange and Jorasch are analogous inventions.

LeStrange is silent concerning certain of the details about how the invention works. In order to implement the disclosure of LeStrange, it would be necessary for one of ordinary skill in the art to look to other, closely-related art. Jorasch provides these details. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adopted the details provided in Jorasch in order to implement the disclosure of LeStrange.

16. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeStrange et al. as applied to claim 33 in view of Walker et al. (US Patent No 6227972).

LeStrange teaches the invention substantially as claimed. LeStrange does not, however, teach measuring the time between player account transactions and locking the account when the measured time exceeds at least one established criterion. Walker, an analogous invention, teaches use of expiring account balances in order to encourage players to revisit the casino within a particular timeframe. (See Abstract) It would have been obvious to one of ordinary skill in the art at the time of the invention to have measured the time between player

account transactions and locking the account when the measured time exceeds at least one established criterion in order to provide an incentive for the player to return to the casino within a particular timeframe.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These are other gaming systems using player accounts.

Reference Name	US Patent Number
Holch et al.	6,208,328
Fertitta et al	6,302,793
Acres	6,244,958
Acres et al.	6257981
Raven et al.	5429361


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-4:30, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3579 for After Final communications.



Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc  
December 17, 2001

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.